



King County Board of Ethics  
900 Fourth Avenue, Suite 860  
Bank of California Building  
Seattle, WA 98164 MS BOC 0860  
(206) 296-1586 FAX (206) 205-0725  
board.ethics@metrokc.gov  
www.metrokc.gov/ethics/

## **KING COUNTY BOARD OF ETHICS SPECIAL MEETING NOTICE**

**When:** Monday, December 20, 1999 at 2:00 p.m.

**Where:** Bank of California Building  
900 Fourth Avenue, 4<sup>th</sup> Avenue and Marion Street, Seattle  
5<sup>th</sup> floor conference room (southwest corner of the building)

### **PLEASE NOTE CHANGE FROM USUAL MEETING TIME AND LOCATION**

#### **AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of November 23, 1999***
3. ***Setting the Board of Ethics 2000 Meeting Schedule*** Please bring your personal and business calendars for 2000, if necessary.
4. ***Rules Relating to Filing Statements of Financial and Other Interests***
5. ***Order of the Board on the Stipulated Motion to Dismiss Appeal***
6. ***Review of Provisions of the Code of Ethics.*** Review of Board decisions and continuation of discussions.
7. ***Board Appointments***
8. ***Staff Report***
  - COGEL Conference
  - Financial Disclosure

cc: Ron Sims, King County Executive  
King County Councilmembers  
Duncan Fowler, Director–Ombudsman, Office of Citizen Complaints  
Sheryl V. Whitney, Director, DIAS  
James J. Buck, Deputy Director, DIAS  
Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mike Alvine, Council Legislative Analyst  
John Chelminiak, Council Chief of Staff  
Tim Hatley, Executive Policy Advisor  
Jeanne Keenan, Council Legislative Aide  
Kristine Ottaway, Council Legislative Aide  
Jeff Slayton, Council Associate Legal Counsel

Upon advance request, reasonable accommodations for people with disabilities are available by calling (206) 296-1586 or TTY 1-800-833-6388.
---

**Minutes of the December 20, 1999 Special Meeting  
of the King County Board of Ethics**

The December 20, 1999, special meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 2:17 p.m. Board members in attendance were:

Dr. Lois Price Spratlen, Chair  
Dr. Margaret T. Gordon  
Lembhard G. Howell, Esq.  
Rev. Paul F. Pruitt  
Mr. Roland H. Carlson had an excused absence

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics  
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mr. Duncan Fowler, Ombudsman  
Mr. John Chelminiak, Council Chief of Staff  
Mr. Mike Alvine, Council Legislative Analyst (arriving at 2:21 p.m.)  
Ms. Jeanne Keenan, Council Legislative Aide (arriving at 2:22 p.m.)

1. *Proposed Agenda.* Ms. Clemens requested to add a staff report as Item 8. With that addition, Rev. Pruitt moved the approval of the proposed agenda; Mr. Howell seconded the motion and the agenda was approved.

Chair Price Spratlen asked everyone to introduce themselves.

2. *Approval of Meeting Minutes of November 23, 1999.* Rev. Pruitt moved to approve the November 23, 1999, meeting minutes; Mr. Howell seconded the motion, and the minutes were approved.

3. *Setting the Board of Ethics 2000 Meeting Schedule.* The Board agreed to hold the annual retreat on January 29, 2000, 8:00 a.m. - 12:00 p.m. at the University of Washington HUB, where it has held retreats in the past. After discussion of potential dates, Mr. Howell moved that the Board set tentative meeting dates as outlined in meeting materials, subject to review by Dr. Gordon and Mr. Carlson. Rev. Pruitt seconded the motion and the tentative meeting dates were approved. The Board also discussed changing the meeting location for efficiency and practicality. After that discussion, Mr. Howell moved to designate a new, regular location for future Board meetings at the Bank of California Building, 900 Fourth Avenue, 5<sup>th</sup> floor conference room, Seattle, Washington, 98164. Rev. Pruitt seconded the motion and the motion passed unanimously. The Administrator and Counsel were directed to prepare and present amended Procedures for Meetings of the King County Board of Ethics at the next scheduled meeting on January 18, 2000.

4. *Rules Relating to Filing Statements of Financial and Other Interests.* Ms. Clemens briefed the Board on the status of the process required for the adoption of new Rules. Mr. Howell asked what would happen to those who have refused to file disclosure statements? Mr. Johansen stated there could be disciplinary action against the employee. Ms. Clemens referenced a recent e-mail exchange with the Office of Human Resources Management and the executive's office, in which they asked the ethics office to comment on proposed action against those employees who had refused to file. Ms. Clemens had responded by agreeing with the executive's recent letter to Chair Price Spratlen in which he had suggested disciplinary action or removal of the employee from an affected position. Mr. Howell commented on the weakness of the Code that fails to identify or empower anyone to enforce penalties. Mr. Johansen stated the Code did not clearly provide for the imposition

of civil penalties. Based on past legal opinions, he was sure the Ombudsman's office could not, and the authority likely resides with the Council or Executive.

Mr. Fowler agreed, citing instances in which the Prosecuting Attorney's Office advised there was no mechanism in the Code to allow any entity to impose civil penalties. He stated this problem is connected to the Charter and suggested recommending changes to the Council. Mr. Howell suggested the Board propose an ordinance to change the situation. Mr. Johansen stated that collective bargaining issues could make the change complex and seen as a change in working conditions under labor agreements. Mr. Howell disagreed and suggested an ordinance to allow enforcement of civil penalties for failure to comply with the financial disclosure requirement. Mr. Howell moved that the Board of Ethics direct the Administrator and Counsel to investigate the possibility of a simple ordinance regarding enforcement of financial disclosure requirements and research if similar ordinances exist in other jurisdictions. Rev. Pruitt seconded the motion and the motion passed unanimously. Ms. Keenan asked if this would be an ordinance to comply with an ordinance? No. This would be an ordinance to identify and empower those who will enforce civil penalties against violators of the financial disclosure requirement.

Chair Price Spratlen stated that the proposed Rules timeline indicated positive progress. Mr. Johansen noted that the only substantive change in the proposed Rules from the Emergency Rules was the addition of section 6.0, facilitating filing of disclosure statements by certain new employees within ten day of employment or appointment. Mr. Howell moved to tentatively adopt the Proposed Rules Relating to Filing Statements of Financial and Other Interests pending comments from interested parties. Dr. Gordon seconded the motion and the motion passed unanimously.

5. *Order of the Board on the Stipulated Motion to Dismiss Appeal.* Mr. Johansen briefed the Board on the proposed Order. The Board discussed the appropriate manner to ensure the original finding of the Ombudsman, the revised finding of the Ombudsman and the order of the Board all be linked in the Records and Elections filing system. Mr. Fowler stated that this situation points out the need to not file the finding until the respondent has decided whether or not to file an appeal, and to release the finding only after the appeal has been resolved. Mr. Howell offered that such a schedule could conflict with the Board's Rules time frame. Mr. Fowler stated that this might be an opportunity to arrive at a new time schedule. Mr. Johansen stated that the rules are built upon the Code, but an amendment to the Code would resolve a problem for the Ombudsman — that the Ombudsman must file a finding of reasonable cause to believe a violation of the Code of Ethics occurred with the Records and Elections Division as soon as the finding is issued, thus setting off the respondent's twenty (20) day period allowed for an appeal request.

Mr. Fowler noted that the respondent had two opportunities to respond to the finding draft and in neither opportunity did the respondent produce materials he subsequently produced as part of the appeal process. Ms. Clemens distributed a letter from the Ombudsman address to the Board Chair in which he addressed problematic areas arising from the appeal process and asked that the issue be discussed with the Board. Chair Price Spratlen directed the Administrator to place the item on the January 18, 2000, agenda. After further discussion, Mr. Howell moved that the proposed Order of the Board on the Stipulated Motion to Dismiss Appeal of December 10, 1999, be approved by the Board and distributed by the Administrator to all persons or organizations that had received earlier notice of the pending appeal. Rev. Pruitt seconded the motion, and the motion passed unanimously.

6. *Review of Provisions of the Code of Ethics.* Mr. Johansen briefed the Board, reviewing a summary of the Board's responses to the six questions posed by six Councilmembers. On Question 1, solicitations on behalf of charitable organizations, Mr. Howell stated he felt it problematic to restrict elected officials from soliciting lobbyists who might be part of a

general mailing. Mr. Johansen stated that, because lobbyists are among those most prominently represented in the persons who do business or seek to do business with the county, they were on the excluded list. Mr. Howell stated that lobbyists should not be treated any differently than citizens as a whole. Rev. Pruitt asked if there might be a way to distinguish solicitations of lobbyists between direct, personal solicitation and simply a general mailing? Ms. Keenan stated that there could be as many as 1,000 registered lobbyists, including non-profit organizations, so identifying them in a mailing would be very difficult. There is danger of an inadvertent misstep, she said. Mr. Fowler stated that allowing solicitation of lobbyists could be an exemption that the general public would approve of, and asked if the Board really wanted to see elected officials soliciting those who have business before them? Mr. Howell stated that regulations of political contributions allowed that activity and he could not see why it should not be allowed. Mr. Howell moved to eliminate from 'Solicitations on behalf of charitable organizations' item B3: 'the official, if a member of the county council or the executive, shall not direct such solicitations to persons registered as lobbyists pursuant to county ordinance and procedures.' Rev. Pruitt seconded the motion and the motion passed unanimously. During the vote, Dr. Gordon indicated hesitation, stating that she did not feel elected officials should be soliciting other groups at all, other than for political contributions. She stated that the Board needed to be very careful in allowing elected officials to solicit when those elected officials may chose to represent some groups and not others. They have been elected to represent everyone. She stated agreement that they should use their offices to accomplish good, but did not believe they should be soliciting since there is an equity issue for those organizations that cannot, for whatever reason, gain access to that official. Chair Price Spratlen stated that if Councilmembers and their staff are alert, they will know who is worthy of support. Dr. Gordon replied that it is a matter of resources. Those organizations with ample resources have greater access to Councilmembers. Chair Price Spratlen asked Dr. Gordon to think through her comments and come back to the Board with ideas on how to accomplish the equity. Ms. Keenan stated that small organizations can be successful approaching Councilmembers, citing the example of a small non-profit that gained strong support over the years. Rev. Pruitt identified two potential conflicts that could occur: first, the development of fund-raising lists that could later be used for political fund-raising, and second, sending out a charitable solicitation piece close to an election. Based on concerns voiced by Board members, Rev. Pruitt moved to reconsider the issue of solicitation by elected officials; Dr. Gordon seconded the motion. Mr. Howell and Chair Price Spratlen voted no; Dr. Gordon and Rev. Pruitt voted yes; the motion failed for lack of a majority.

The Board agreed with the past decisions as outlined in the materials on Question 2, the dissemination of information regarding fund-raising drives to benefit charitable organizations to those doing business or seeking to do business with the county.

The Board agreed with the past decisions as outlined in the materials on Question 3, the donation of items to charitable organizations for resale at auctions or other public sales for charitable organizations, with the removal of B3: the official, if a member of the county council or the executive, shall not participate in such an event if a person who purchases or bids the highest for the event is registered as a lobbyist pursuant to county ordinance and procedures.

The Board again discussed Question 4, soliciting financial support for the legislative and administrative activities of state and national professional association that work on behalf of county government. Chair Price Spratlen stated her support for use of government funds for such activities that enhance the county and provide professional advancement for its elected officials. Mr. Fowler stated his concern about the expenditure of funds for NACO, saying it is clear that it shall not be a violation to solicit financial support for the professional organization, and referenced the recent Finding against Councilmember Hague. Mr. Johansen stated his belief that this question was not about that case, but Ms. Keenan

stated that it was indeed directed to Councilmember Hague's specific situation. Mr. Howell stated it was a positive reflection on the county when elected officials run for national office in professional organizations or associations. They should be able to solicit funds for such activities. Mr. Johansen asked for clarification that the Board is saying there are to be no restrictions on who should be solicited for personal advancement? Mr. Fowler asked if there should not be some restrictions? Mr. Howell and Chair Price Spratlen responded no. Mr. Johansen then stated he would rewrite his draft based on this new direction, that councilmembers may solicit anyone in support of a professional organization or themselves while seeking professional office. Chair Price Spratlen asked if it is not considered a plum to be selected for these offices? Ms. Keenan said, yes, it makes a big difference for the county and the state from which that individual comes. Mr. Johansen stated that adding what could be considered a personal benefit to elected officials versus a benefit to an organization may be problematic, and he must review state law and the charter. Rev. Pruitt asked for a definition of 'incidental' as it relates to 'incidental use of county resources' during fund-raising. Mr. Fowler asked that, if this type of fund-raising is beneficial to the county, should we not open it to all county officials, whether elected or appointed? Ms. Keenan suggested including safeguards such as disclosure of contributors and amounts. Mr. Johansen stated that if the control point for finances were the county, there could be issues because of laws governing gifting of government funds. Chair Price Spratlen asked that Mr. Johansen inform the Board on these matters at the next meeting.

Chair Price Spratlen noted the time; Mr. Howell moved to table Questions 4, 5, and 6 until the next meeting. Rev. Pruitt seconded the motion and the motion passed unanimously.

7. *Board Appointments.* Ms. Clemens stated that the Council planned to address Board appointments in January.

8. *Staff Report.* Ms. Clemens reported on the Council on Governmental Ethics Laws (COGEL) conference held December 5 - 8 in Providence, Rhode Island. She thanked the Board and Mr. Buck, Deputy Director, DIAS, for sending her to the conference, which was marked by valuable interaction with peers, high caliber speakers, and informative sessions. She stressed the importance of attending these annual meetings to stimulate new ideas and current thinking for the county's ethics office.

Ms. Clemens reported on the state of the financial disclosure program for 2000. She has hired Ruth Ibarra, a Seattle University public administration student, as the disclosure coordinator. Ms. Ibarra begins work on January 4, 2000. Ms. Clemens will conduct educational training sessions for department coordinators and staff liaisons over four days in January. Ms. Clemens distributed disclosure statements to Board members and asked that they lead the way for all boards and commission by submitting their forms first. She also produced a thank you letter from the Board to the Executive and Councilmembers regarding their adoption of ordinance 13657, amending the financial disclosure requirement under the Code of Ethics. All Board members in attendance signed the letter, which will be forwarded once Mr. Carlson has reviewed and signed.

Chair Price Spratlen thanked Ms. Clemens for her work. She stated that this has been a very productive year and that she was pleased with the excellent working relationships with the Board Counsel and Administrator. Mr. Howell agreed, stating he was very pleased to be working with both Ms. Clemens and Mr. Johansen.

At 4:15 p.m., Rev. Pruitt moved to adjourn the meeting. Mr. Howell seconded the motion. The motion was approved and the meeting was adjourned.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2000 by the King County Board of Ethics.

Signed for the  
Board: \_\_\_\_\_

Dr. Lois Price Spratlen, Chair